

1 Joseph J. Tabacco, Jr. (75484)
2 jtabacco@bermanesq.com
3 Christopher Heffelfinger (118058)
4 cheffelfinger@bermanesq.com
5 James C. Magid (233043)
6 jmagid@bermanesq.com
BERMAN DEVALERIO
7 425 California Street, Suite 2100
8 San Francisco, CA 94104
9 Telephone: (415) 433-3200
10 Facsimile: (415) 433-6382

Attorneys for Plaintiff Northstar Financial Advisors, Inc.

[Additional Counsel on Signature Page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

12 NORTHSTAR FINANCIAL ADVISORS,) Case No. C-08-4119 SI
13 INC., on Behalf of Itself and all Others) CLASS ACTION
14 Similarly Situated,)
15 Plaintiff,) **STIPULATION AND [PROPOSED] ORDER**
16 v.) **FOR LEAVE TO FILE UNDER SEAL**
17 SCHWAB INVESTMENTS, CHARLES) **PLAINTIFF'S DISCLOSURE OF NON-**
18 SCHWAB & CO., INC., CHARLES) **PARTY INTERESTED ENTITIES OR**
19 SCHWAB INVESTMENT MANAGEMENT,) **PERSONS**
20 INC., and SCHWAB TOTAL BOND) **DATE:** February 6, 2009
21 MARKET FUND,) **TIME:** 2:00 p.m.
22 Defendants.) **COURTROOM:** Hon. Susan J. Illston
23)
24)
25)
26)
27)
28)

1 Pursuant to this Court's Standing Order and Civil Local Rule 7-12, Plaintiff Northstar
2 Financial Advisors, Inc. ("Northstar") and defendants Schwab Investments, Charles Schwab & Co.,
3 Inc., Charles Schwab Investment Management, Inc., and Schwab Total Bond Market Fund
4 ("Defendants"), by and through their counsel, hereby jointly submit a stipulated request for an order
5 sealing Plaintiff's Disclosure of Non-Party Interested Entities or Persons ("Plaintiff's Disclosure").

6 **RECITALS**

7 **WHEREAS**, the above-captioned action *Northstar Financial Advisors v. Schwab*
8 *Investments*, et al., No. C-08-4119 SI was filed on August 28, 2008;

9 **WHEREAS**, pursuant to Federal Rule of Civil Procedure 26(f) and Local Rule 16-9, the
10 parties are concurrently filing their joint case management conference statement;

11 **WHEREAS**, the Standing Order for All Judges of the Northern District of California
12 regarding the Contents of Joint Case Management Statement (Item No. 19) orders the parties to
13 disclose any Non-party Interested Entities or Persons;

14 **WHEREAS**, Northstar intends to disclose to defendants and the Court the identities of those
15 investors who are clients of Northstar and who invested in the Schwab Total Bond Market Fund (the
16 "Fund");

17 **WHEREAS**, Northstar contends that the identities of its clients who are investors of the
18 Fund is not publicly available and should not be put into the public record because these clients are
19 not parties to the instant action;

20 **WHEREAS**, Northstar maintains that the disclosure of such information would reveal
21 potentially sensitive financial information and investment decisions of its clients and should be kept
22 confidential;

23 **WHEREAS**, Northstar's Disclosure of Non-Party Interested Entities or Persons consists of a
24 list of its clients who invested in the Fund and is attached to this Stipulation as Exhibit A;

25 **STIPULATION**

26 **IT IS HEREBY STIPULATED**, subject to the Court's approval, by and between counsel
27 for Northstar and Defendants:

28 [C-08-4119 SI] STIPULATION AND [PROPOSED] ORDER FOR LEAVE TO FILE UNDER
SEAL PLAINTIFF'S DISCLOSURE OF NON-PARTY INTERESTED ENTITIES OR PERSONS

1. The names and identities of Northstar's clients who invested in the Fund should not
2. be made part of the public record.
3. Northstar's Disclosure of Non-Party Interested Entities or Persons, attached as
4. Exhibit A to this Stipulation, should be filed under seal.

5 Dated: January 30, 2009

WOLF POPPER LLP

7 By: /s Robert C. Finkel

8 ROBERT C. FINKEL
(admitted *pro hac vice*)

9 845 Third Avenue
10 New York, NY 10022
Telephone: (212) 759-4600
Facsimile: (212) 486-2093

11 Marc J. Gross
12 Bryan Plocker
13 **GREENBAUM ROWE SMITH**
& DAVIS LLP
14 75 Livingston Street, Suite 301
Roseland, NJ 07068
Telephone: (973) 535-1600
Facsimile: (973) 535-1698

16 Joseph J. Tabacco, Jr.
17 Christopher T. Heffelfinger
James C. Magid
18 **BERMAN DEVALERIO**
425 California Street, Suite 2100
San Francisco, CA 94104
Telephone: (415) 433-3200
Facsimile: (415) 433-6382

20 **Attorneys for Plaintiff Northstar Financial
Advisors, Inc.**

MORRISON & FOERSTER LLP

By: s Dorothy L. Fernandez
DOROTHY L. FERNANDEZ

425 Market Street
San Francisco, California 94105-2482
Telephone: 415.268.7000
Facsimile: 415.268.7522
Email: DFernandez@mofo.com

Darryl P. Rains
K.C. Allan Waldron
755 Page Mill Road
Palo Alto, California 94304-1018
Telephone: 650.813.5600
Facsimile: 650.494.0792
Email: Drains@mofo.com;
KCWaldron@mofo.com

Attorneys for Defendants Schwab Investments, Charles Schwab & Co., Inc., Charles Schwab Investment Management, Inc., and Schwab Total Bond Market Fund

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____

Susan Illston

HONORABLE SUSAN ILLSTON
UNITED STATES DISTRICT JUDGE

[C-08-4119 SI] STIPULATION AND [PROPOSED] ORDER FOR LEAVE TO FILE UNDER SEAL PLAINTIFF'S DISCLOSURE OF NON-PARTY INTERESTED ENTITIES OR PERSONS

1 I, Christopher T. Heffelfinger, am the ECF user whose ID and password are being used to
2 file this Stipulation and [Proposed] Order for Leave To File Under Seal Plaintiff's Disclosure of
3 Non-Party Interested Entities or Persons. In compliance with General Order 45, X.B., I hereby attest
4 that Robert C. Finkel, co-counsel for Plaintiff Northstar, and Dorothy L Fernandez, counsel for
5 defendants, have concurred in this filing.

6 s/ Christopher T. Heffelfinger
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

[C-08-4119 SI] STIPULATION AND [PROPOSED] ORDER FOR LEAVE TO FILE UNDER
SEAL PLAINTIFF'S DISCLOSURE OF NON-PARTY INTERESTED ENTITIES OR PERSONS